

**Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2879**

**PATENT
ATTORNEY DOCKET: 46884-5365**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Takashi WATANABE et al.)	
)	
Application No.: 10/537,587)	
)	Confirmation No.: 6382
Filed: June 6, 2005)	
)	Group Art Unit: 2879
For: ALKALI METAL GENERATING)	
AGENT, ALKALI METAL)	Examiner: Tracie Y. Green
GENERATING DEVICE, PHOTO-)	
CATHODE, SECONDARY-ELECTRON)	
EMITTING SURFACE, ELECTRON)	
TUBE, METHOD OF PRODUCTION OF)	
PHOTO-CATHODE, METHOD OF)	
PRODUCTION OF SECONDARY-)	
ELECTRON EMITTING SURFACE,)	
AND METHOD OF PRODUCTION OF)	
ELECTRON TUBE)	

Mail Stop: **AF Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Final Office Action dated October 20, 2008.
2. Additional papers enclosed:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Attachment: Experimental Results |
| <input type="checkbox"/> | Information Disclosure Statement |
| <input type="checkbox"/> | Form PTO-1449 |
| <input type="checkbox"/> | Citations |
| <input type="checkbox"/> | Declaration of Biological Deposit |
| <input type="checkbox"/> | Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence. |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,640.00	\$ 795.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	34	minus	34	0	x \$52 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$220 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$390.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ Enclosed is a check in the amount of \$_____ for the _____-month extension of time.
- ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. **Credit card information should not be included on this form.**
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: January 16, 2009

By: Christopher P. BruenjesChristopher P. Bruenjes
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